



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104

206-296-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

September 30, 2014

The Honorable Anthony Foxx
United States Secretary of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

Administrator Cynthia L. Quarterman
Pipeline and Hazardous Materials Safety Administration
Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

RE: Proposed Rulemaking for the Safe Transportation of Crude Oil and Flammable Materials

Dear Secretary Foxx and Administrator Quarterman:

I am deeply concerned about the risks to public safety, health, environment, and economy from the exponential growth in oil train traffic through King County, Washington State, and the Pacific Northwest Region. Movement of oil by rail in Washington State is projected to more than triple in 2014. Of particular concern is the transport of highly volatile Bakken Crude Oil on our region's rail lines.

The Puget Sound region's north-south rail lines carry this highly flammable product through our most densely populated areas and our commercial and industrial districts in the Tacoma-Seattle-Everett metropolitan region. These rail lines closely follow the Puget Sound shoreline, cross rivers and estuaries that are home to salmon species listed for protection under the Endangered Species Act, and pass through and near heavily visited recreation areas and parks. An oil train accident that causes a spill or explosion would have devastating impacts to our public safety, environment, and economy in the central Puget Sound region. Recent oil train derailments, spills, and fires have resulted in evacuations, devastating pollution, and loss of life across the United States and Canada and have heightened our concerns.

King County has reviewed the Pipeline and Hazardous Materials Safety Administration's (PHMSA) proposed rulemaking [Docket No. PHMSA-2014-0105 (HM-251B)]. The county strongly supports revisions to the Hazardous Materials Regulations that would assess, disclose, and reduce risks from crude oil and ethanol shipments by rail. However, the proposed changes do not go far enough to address imminent safety risks, and we recommend additional changes to protect public safety. King County's detailed technical comments regarding revisions to the proposed PHMSA requirements are attached.

King County and Central Puget Sound are not alone in facing increasing threats from oil transport. Communities across Washington, Oregon, Idaho, Montana, and British Columbia face similar risks, and more than 100 local, state, and tribal leaders have come together through the *Safe Energy Leadership Alliance (SELA)*. More than thirty SELA members have signed a joint letter underscoring the region's heightened level of concern over the negative impacts of oil train traffic on the health, safety, and economy of our region. The joint letter calls for an emergency order establishing a near-term timeline (no more than one year from now) for prohibiting the shipment of Bakken Oil and other highly flammable materials in older, unsafe DOT-111 tank cars. A copy of this letter is also attached.

Thank for your work to review and strengthen federal requirements for transporting flammable liquids. I encourage you to take immediate and bold action to address imminent and growing threats from oil transport through King County and the Pacific Northwest.

Sincerely,



Dow Constantine
King County Executive

Attachments (3): (A) King County Technical Comments dated 9-30-14; (B) Map: Federally Designated Urban Areas for King, Kitsap, Pierce, and Snohomish Counties; (C) Safe Energy Leadership Alliance Letter dated 9-30-14

cc: The Honorable Larry Phillips, Chair, Metropolitan King County Council
Carolyn Busch, Chief of Staff, Metropolitan King County Council
Sung Yang, Chief of Staff, King County Executive's Office (KCEO)
Joe Woods, Deputy Chief of Staff, KCEO
Genesee Adkins, State and Federal Relations Manager, KCEO
Harold Taniguchi, Director, King County Department of Transportation
Caroline Whalen, County Administrator, King County Department of Executive Services
Patty Hayes, Interim Director, King County Department of Public Health

Attachment A: King County Technical Comments

September 30, 2014

High-Hazard Flammable Train Definition

PHMSA is proposing to add a definition for a High-Hazard Flammable Train (HHFT) to mean a single train containing 20 or more carloads of Class 3 (flammable liquid) material. Class 3 material includes acetone, crude oil, ethanol gasoline, and ethyl methyl ketone. The shipping of Class 3 materials is inherently dangerous; the derailment and explosion of even one tank car could lead to loss of life and the disruption of the movement of people, freight and goods in the Central Puget Sound region. Therefore, the county recommends that the definition of HHFT be strengthened to include a single train carrying one or more carloads transporting a Packing Group 1, Class 3 flammable material.

Notification to State Emergency Response Centers of Petroleum Crude Oil Train Transportation

Petroleum products moving through the Northwest are changing in product type, transportation mode, and quantity. King County is extremely concerned about the region's ability to respond to an oil train derailment and recently held a tabletop exercise where first-responders were presented with a scenario of an oil train tank car derailment resulting in a massive explosion near the King County International Airport and Boeing Field. This tabletop exercise simulated conditions that would face emergency responders, including coordinating firefighting, medical response, and potential evacuations due to an oil train derailment. This tabletop exercise underscored the importance of having timely and reliable information about materials traveling through the county by rail to inform our emergency response plans.

The PHMSA is proposing to codify the May 7, 2014, DOT-issued Emergency Order that required all railroads to report to State Emergency Response Commissions (SERCs) on the movement of Bakken crude oil in excess of one million gallons. King County recommends expanding required notification to include not only SERCs or other appropriate state delegated entity, but also Local Emergency Planning Committees. Expanded notification would give local emergency responders essential information to train personnel, ensure that appropriate equipment in place, and expedite spill response. Over time, these notifications would provide a more complete picture of the volume, frequency, and type of high-hazard flammable liquids being transported through this region. This information is essential for development of response plans before a spill occurs, and would support collaborative efforts to train and revise emergency response plans.

Rail Routing

PHMSA is proposing rail carriers must do a route assessment to reduce the risk of a train accident. This provision requires carriers to perform a routing analysis to inform a route selection process that considers 27 safety and security factors. King County supports this route assessment requirement to reduce the risk of HHFT accidents but also requests that the route assessment identify critical infrastructure needs, include assessment criteria for human health, apply this

route assessment requirement to an expanded geographic area to capture additional densely populated areas, and identify speed reductions for HHFTs.

Increased inspections, repair and maintenance are required for assuring improved safety for our residents, economic centers and environment. Route assessments should, at a minimum, identify critical needs for additional crossing gates and grade separation to reduce risk of collision, derailment, and explosion. Train routing should occur only where rail classification is no lower than 130 pound rail (130 lbs./yd.). Safety factors should also include potential risks to human health.

The "High Threat Urban Area" used as a basis for the proposed route assessment excludes a large portion of the urbanized Central Puget Sound region including the cities of Tacoma and Everett and its surrounding metropolitan areas. King County recommends use of the Federally Designated Urban Areas rather than High Threat Urban Areas to provide more comprehensive coverage of highly populated urban areas. Federally Designated Urban Areas that have been established in Puget Sound Metropolitan Area under federal transportation requirements (Title 23, Section 103, United States Code). Known as the "Federal-aid Urbanized" and "Federal-aid Urban" areas, the map for King, Kitsap, Pierce, and Snohomish counties is designated by the Puget Sound Regional Council in cooperation with the Washington State Department of Transportation and the Federal Highway Administration (please see attached map).

Classification and Characterization of Mined Gases and Liquids

State and local governments and first responders need accurate and timely information about the types of materials being transported by rail and their associated properties and risks. The PHMSA is proposing, and King County supports, development of regulations that require the classification and characterization of mined liquids and gases to ensure proper shipping methods and hazard communications. Under the proposal, an offeror must develop a sampling and testing program for all mined gases and liquids that addresses: (1) frequency of sampling and testing; (2) sampling at points along supply chain; (3) sampling methods to ensure a representative sample of entire mixture; (4) testing methods; (5) statistical justification of sampling frequency; (6) duplicate samples for quality assurance; and (7) require offerors to certify sampling and testing program is in place, to document the testing and sampling program, and make results available to DOT personnel, upon request. In addition to these proposed requirements, the county recommends that sampling results be verified by a third party and made available to state and local governments for use in developing hazard mitigation and spill response plans.

Speed Reduction

Train routing in the central Puget Sound region is extremely constrained by topography, proximity to Puget Sound, and historical development patterns. There are no alternative north-south routes for HHFTs that do not travel through densely populated urban areas and sensitive ecological areas. King County seeks establishment of mandatory speed reduction requirements commensurate with risks based on type of material transported, type of rail car and braking system, rail conditions, and surrounding development patterns and natural environment. King County recommends that speed reduction requirements be applied to a broader geographic area

better reflecting the location of highly populated urban areas. Specifically, King County recommends that Federally Designated Urban Areas be used rather than High Threat Urban Areas for the purpose of establishing requirements for reduced speeds for HHFTs.

While the county seeks an immediate ban of DOT-111 tank cars, it supports the recommendation for an immediate speed restriction of 30 mph for these tank cars. In Federally Designated Urban Areas, the speed limit for all HHFTs should be 30 mph, unless it can be demonstrated through a route assessment that a 40 mph speed limit, combined with new tank standards (DOT Specification 117 tank car), can be supported without additional risk of derailment and explosion.

New Tank Cars for High-Hazard Flammable Trains

PHMSA is proposing several revisions to the Hazardous Materials Regulations that would change the specification requirements for rail tank cars authorized to transport crude oil and ethanol. The changes would require a new tank car performance specification (DOT Specification 117 tank car) that would be phased in over time depending on the packing group of flammable material. In addition, PHMSA is proposing to revise the bulk packaging rules for hazardous materials to provide the timeline for continued use of existing DOT-111 tank cars and recommends the phase out of DOT-111 tank cars for Packing Group 1 (Bakken oil and ethanol) after October 1, 2017.

King County supports Option 1, the PHMSA and Federal Railroad Administration designed car, also known as the DOT Specification 117 tank car. A DOT Specification 117 tank car would provide thermal protection to survive a 100-minute pool fire, protect top fitting and bottom outlets during a derailment, improve braking performance, and would minimize the consequences of a derailment of tank cars carrying crude oil. The county also seeks an immediate phase out of DOT-111 tank cars for use in transporting Packing Group 1, Class 3 flammable materials. The risks of derailment, spill, and explosion are too high to allow for three more years of transport of Class 3 flammable materials in older, unsafe tank cars.

Hazardous Materials: Oil Spill Response Plans for High-Hazard Flammable Trains

In conjunction with a notice of proposed rulemaking (NPRM) for Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains, PHMSA is seeking comment on potential revisions to its regulations that would expand the applicability of comprehensive oil spill response plans (OSRPs) to HHFTs. Current regulations require a basic OSRP for oil shipments in an oil tanker having a capacity of 3,500 gallons or more and a comprehensive OSRP is required for oil shipments in an oil tanker containing more than 42,000 gallons (current capacity of a DOT-111 tank car is approximately 30,000 gallons). King County recommends comprehensive OSRPs be required for any oil tankers regardless of capacity. The derailment and explosion of even one tank car could lead to loss of life, environmental damage, and the disruption of the movement of people, freight and goods in the Central Puget Sound region.

King County further recommends that the OSRP be developed in consultation and shared with SERC or other appropriate state delegated entity, Local Emergency Planning Committees, and

local emergency responders to ensure all state and local hazard materials spill response plans are consistent with the shippers OSRPs.

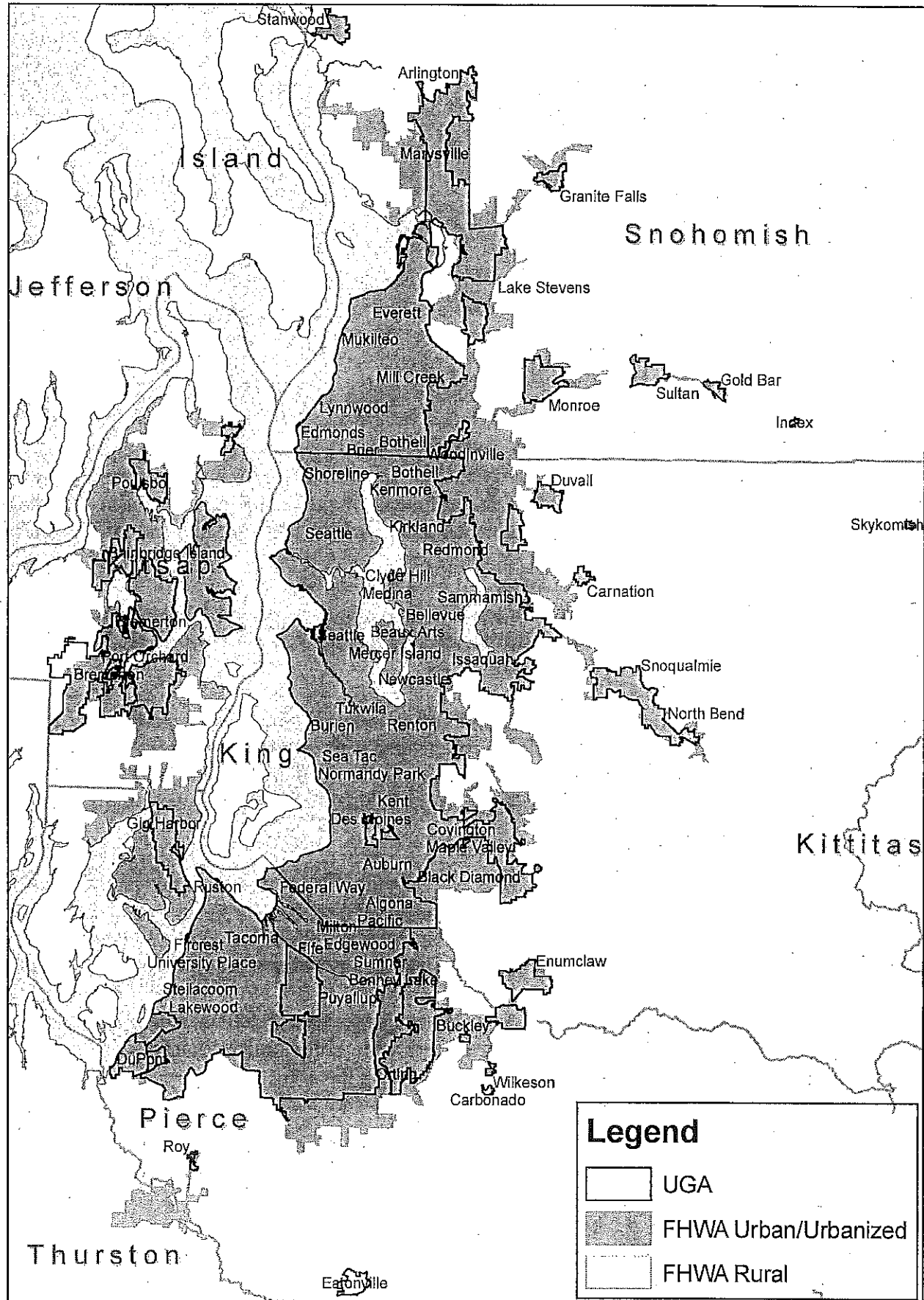
Washington State's 2014 Marine and Rail Oil Transportation Study

The State of Washington is now conducting a Marine and Rail Oil Transportation Study with recommendations anticipated in March 2015 that can further inform safety standards. The objective of the study is to analyze the risks to public health and safety, and the environmental impacts associated with the transport of oil in Washington State. The study will focus on the movement of oil in marine and inland areas, by vessel, and rail. The study will compile existing information and determine if there are information gaps in the existing oil transportation system. If gaps exist, the study will identify ways to address the risk and make public health/safety and environmental protection recommendations for appropriate federal, state, local agencies, or the private sector/industry to take appropriate remedial action.

A completed interim report is due to the Governor and Legislature by December 1, 2014, and a final report is due by March 1, 2015. King County expects that this Marine and Rail Oil Transportation study will inform future recommendations regarding regulations on the applicability of OSRPs to HHFTs.

Thank you for the opportunity to comment on the proposed rulemaking for the safe transportation of crude oil and flammable materials. If you have any questions, please contact Megan Smith, Environmental Policy Advisor, at (206) 263-9605.

Federal Urban/Urbanized and Rural Areas as of October 2013



Safe Energy Leadership Alliance

September 30, 2014

The Honorable Anthony Foxx
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Secretary Foxx:

We are members of the Safe Energy Leadership Alliance – a coalition of more than one hundred local, state, and tribal leaders from across the Pacific Northwest, Montana, Idaho, and Canada – seeking a full assessment and disclosure of the economic, cultural, environmental, health, and safety risks posed by coal and oil trains.

We respectfully request an immediate emergency order establishing a clear, near-term timeline for prohibiting the shipment of Bakken Oil and other highly flammable and explosive crude oil in older, unsafe rail cars known as DOT-111 tank cars.

While we represent communities large and small, urban and rural, across a vast geographic area, we share a common mandate to protect the health, safety, and welfare of our residents. Recent oil train derailments, spills, and fires have resulted in evacuations, devastating pollution, and loss of life across the United States and Canada. We are deeply concerned about the growing oil train traffic through the heart of our communities.

Because of historic development patterns, rail lines carrying this highly flammable product often traverse densely populated areas, commercial and industrial districts. They pass through or near many of our popular parks and recreation areas, next to our rivers and lakes, and along hundreds of miles of Puget Sound shoreline. A derailment, explosion, or spill in any of these areas would be devastating.

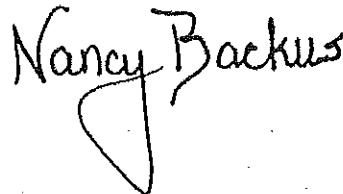
We understand and appreciate your efforts to address this important safety issue through promulgation of new regulations. But we feel strongly the time required to bring these rules into effect is not commensurate with the documented imminent and growing threat that these aging oil tank cars pose to the safety and livelihood of the people and communities we are pledged to protect.

Therefore we, the undersigned members of the Safe Energy Leadership Alliance, respectfully urge you to use your authority to immediately issue an emergency order with date certain (no more than one year from now) for halting use of legacy DOT-111 tank cars in the transport of highly flammable crude oil and establishing financial penalties for violating this order.

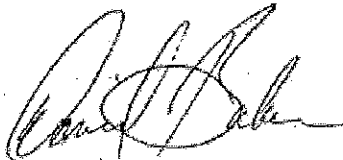
Sincerely,



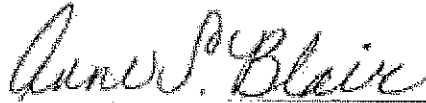
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King County Executive



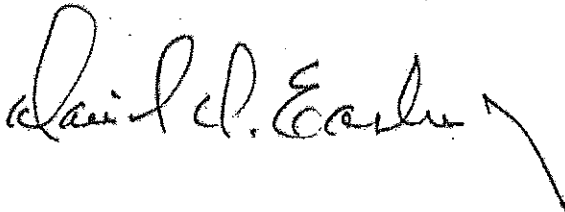
Nancy Backus
Mayor, City of Auburn, WA



David Baker
Mayor, City of Kenmore, WA



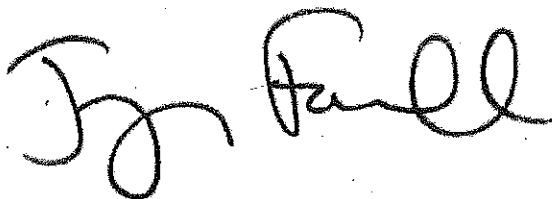
Anne Blair
Mayor, City of Bainbridge Island, WA



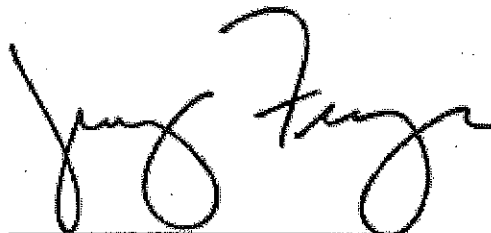
Dave Earling
Mayor, City of Edmonds, WA



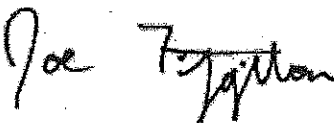
Chris Eggen
Deputy Mayor, City of Shoreline, WA



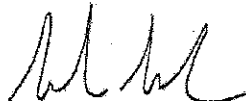
Jessyn Farrell
Washington State Representative (46th District)



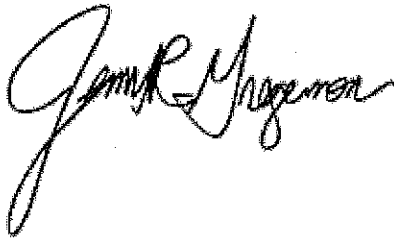
Jeremy Ferguson
Mayor, City of Milwaukie, OR



Joe Fitzgibbon
Washington State Representative (34th District)



Mark Gamba
Councilmember, City of Milwaukee, OR



Jennifer Gregerson
Mayor, City of Mukilteo, WA

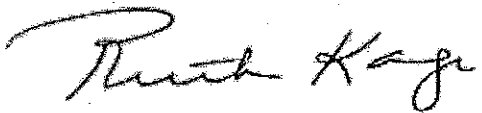


Will Hall
Councilmember, City of Shoreline, WA



Katherine Haque-Hausrath
Commissioner, City of Helena, MT

Stacia Jenkins
Councilmember, City of Normandy Park, WA



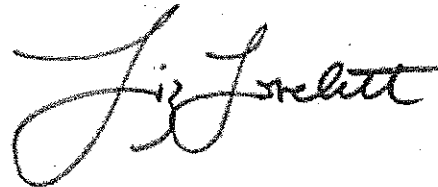
Ruth Kagi
Washington State Representative (32nd District)



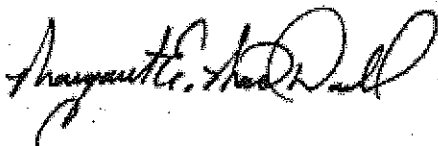
Jeanne Kohl-Welles
Washington State Senator (36th District)



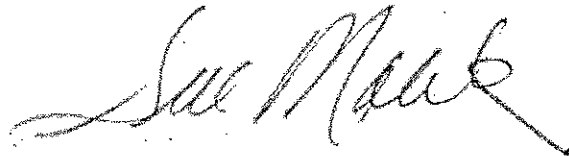
Michael Lilliquist
Councilmember, City of Bellingham, WA



Liz Lovelett
Councilmember, City of Anacortes, WA



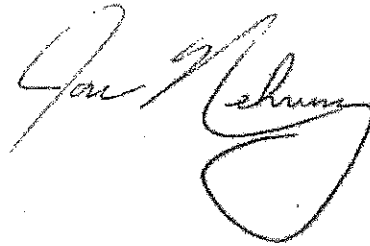
Margie MacDonald
Montana State Representative (54th District)



Sue Malek
Montana State Senator (46th District)



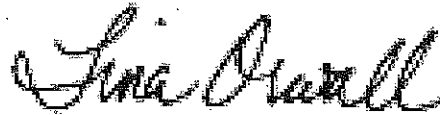
John McCoy
Washington State Senator (38th District)



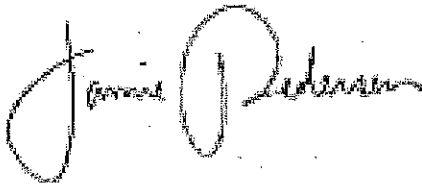
John Nehring
Mayor, City of Marysville, WA



Mike O'Brien
Councilmember, City of Seattle



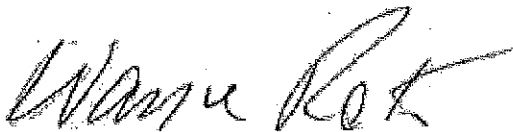
Tina Orwall
Washington State Representative (33rd District)



Jamie Pederson
Washington State Senator (43rd District)



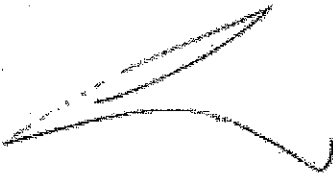
Larry Phillips
King County Councilmember (District 4)



Wayne Roth
Deputy Mayor, City of Bainbridge Island, WA



Cindy Ryu
Washington State Representative (32nd District)



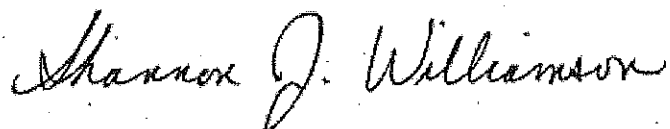
John Snyder
Councilmember, City of Spokane, WA



Ben Stuckert
Council President, City of Spokane, WA



Ryan Walters
Councilmember, City of Anacortes, WA



Shannon Williamson
Councilmember, City of Sandpoint, ID

